

REMARKS

By this Amendment, the specification is amended, and claim 1 amended to conform according to commonly accepted US patent practice. Claims 1-3 and 5-8 are pending in this application.

The Patent and Trademark Office (PTO) objects to the disclosure for informalities. The objection is obviated by the amendments to the specification, which cancels applying the mandatory access control policy (MAC) to the trusted channel. Accordingly, withdrawal of the objection to the disclosure is respectfully requested.

In addition, the PTO objects to claim 1 because of informalities. Applicants amend claim 1 to insert the word "a" before "data reception side comprising," as suggested by the Examiner to obviate the objection thereto. Accordingly, withdrawal of the objection to claim 1 is respectfully requested.

Furthermore, the PTO rejects claims 1-3 and 5-8 under 35 U.S.C. §103(a) over U.S. Patent No. 6,076,168 to Fiveash et al. ("Fiveash") in view of one or more of U.S. Patent No. 5,937,159 to Meyers et al. ("Meyers"); U.S. Patent No. 5,983,350 to Minear et al. ("Minear"), non-patent document S. Kent, BBN corp.; "Security Architecture for the Internet Protocol, Request for Comments: 2401," November 1998 ("RFC 2401"); and non-patent document S. Kent, BBN corp., "IP Encapsulating Security payload (ESP), Request for Comments: 2406," November 1998 ("RFC 2406").

First, the disclosures of the applied art, taken as a whole, do not suggest Applicants' claimed method and apparatus.

Second, the combined disclosures of the applied art do not teach or suggest all of Applicants' claim limitations.

Third, the grounds of rejection constitute an improper reconstruction of Applicants' claimed invention.

Independent claims 1 and 6 recite, *inter alia*, wherein a trusted channel encrypts a packet to be transmitted through a network without user manipulation based upon a MAC security class. By applying a trusted channel to the packet, the encrypted data, including the MAC, is protected from exposure even in the event that the packet is intercepted while being transmitted. Applicants respectfully submit that the applied art fails to disclose, teach, or suggest at least this feature of the recited claims.

For example, unlike the Applicants' method and apparatus, the IPsec protocol, as disclosed in RFC2401 and RFC2406, employs user manipulation in the configuration of a trusted channel. Furthermore, Applicants respectfully submit that unlike the apparatus and method recited in claims 1 and 6, nowhere does the applied references disclose wherein a MAC is communicated using IPsec.

Accordingly, since none of the applied art discloses, teaches or suggests each and every feature recited in independent claims 1 and 6, the rejection of claims 1 and 6 under 35 U.S.C. §103(a) is improper.

Furthermore, notwithstanding the lack of explicit or implicit disclosure of all claimed elements in the combined disclosure of the applied art, Applicants respectfully submit that the combination or modification of references can not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. In the rejection of independent claims 1 and 6 under 35 U.S.C. §103(a), the Office Action asserts that Meyers and RFC 2401 make up for the deficiencies of Fiveash. Applicants respectfully submit that the combination of Fiveash, Meyers, and RFC 2401 is improper, and appears to be based on hindsight reasoning.

Applicants respectfully submit that neither Fiveash, nor Meyers, nor RFC 2401 suggest the desirability of combining such teachings to render claim 1 obvious. It is improper to use the claimed invention as an instruction manual to piece together the teachings of the prior art so that the claimed invention is rendered obvious. The Office Action appears to use improper hindsight reconstruction to pick and choose among isolated disclosures. Accordingly, it is respectfully submitted that the combination is improper. In a similar manner, Applicants submit that claim 6 is allowable because Fiveash, Meyers, RFC 2401, and RFC 2406 fail to suggest the desirability of combining their respective disclosures to render claim 6 obvious.

Applicants respectfully submit, therefore, that independent claims 1 and 6 are patentable over the applied art, either alone or in permissible combinations. Claims 2-3, 5, and 7-8 are likewise patentable over the applied art at least based on their dependency on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection over the applied art is respectfully requested.

All objections and rejections have been addressed. In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance and favorable reconsideration and prompt allowance of claims 1-3 and 5-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN & BERNER, LLP

/Yoon S Ham/
Yoon S. Ham
Registration No. 45,307

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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